

**In re Douglas Flynn MARTIN, Debtor.**

**Deborah Menotte, Plaintiff,**

**v.**

**Mark T. Pulte, Defendant.**

**Bankruptcy No. 00-33559-BKC-PGH.**

**Adversary No. 01-3210-BKC-PGH-A.**

(Cite as: 278 B.R. 634)

Chapter 7 trustee brought adversary proceeding to set conveyance effected pursuant to state court judgment of specific performance, as constructively fraudulent transfer made for less than "reasonably equivalent value" and as unjustly enriching transferee. On cross-motions for summary judgment, the Bankruptcy Court, Paul G. Hyman, Jr., J., held that: (1) transfer of property pursuant to state court judgment of specific performance took place within one year of debtor-vendor's bankruptcy filing on date final judgment was recorded, and not more than one year prepetition when judgment creditor filed notice of lis pendens; (2) judgment of specific performance entered by state court did not collaterally estop trustee from asserting that sales price did not constitute "reasonably equivalent value"; but (3) trustee had adequate legal remedy, and could not challenge conveyance effected pursuant to state court judgment of specific performance as unjustly enriching transferee.

Trustee's motion for summary judgment on transfer date granted; defendant's motion granted in part and denied in part.